

SCHAERR
JAFFE
LLP

October 4, 2024

VIA ECF

The Honorable Jessica G.L. Clarke
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *Rapaport v. Iyer, et al.*, No. 1:23-cv-06709 (JGLC):
Defendants' Request for Extension of Time

Dear Judge Clarke:

Counsel for Defendants jointly write to request an extension of their October 10, 2024 deadline to file replies in support of motions to dismiss and responses to Plaintiff's motion to file a second amended complaint. For the reasons discussed below, Defendants request a three-week extension of time, to October 31, 2024. The parties conferred and *pro se* Plaintiff stated that he partially opposes the requested relief.¹ In fact, Plaintiff has preemptively filed a letter with the Court opposing this request. ECF No. 81. Because Plaintiff purported to address the justifications for Defendants' extension request, Defendants do not believe any further response from Plaintiff is necessary before this Court resolves this request.² However, if the Court disagrees and to ensure expeditious resolution of this motion, Defendants request that the Court direct Plaintiff to file his response to this motion by 12:00 p.m. on Monday, October 7, 2024, and Defendants will file their reply (if any) by Noon on October 8, 2024.

There is good cause to grant the requested relief. Plaintiff filed his original complaint on July 28, 2023. ECF No. 1. On May 24, 2024, he filed his amended complaint. ECF No. 38. Thereafter, Defendants filed motions to dismiss Plaintiff's amended complaint. ECF Nos. 51, 53. Plaintiff (through counsel) then stated that he would "amend [his] complaint as of right."

¹ In the interest of completeness, the full text of Plaintiff's position is as follows:

I am willing to agree to a one-week extension. I find that this is reasonable considering that the standard amount of time for the short response allowed in reply to an opposition is 14 days, and also generous because this extension would be proportionally greater than the one-week extension to a 21-day standard time for writing the oppositions that I asked for and received. This is also in excess of the 3 weekdays that are taken up by Rosh Hashanah and Yom Kippur.

² Of note, Plaintiff's recent filing incorrectly states that Defendants based their extension request only on the intervening Jewish holidays. However, as reflected herein, Defendants explained to Plaintiff that there were several reasons for the request, each of which is set forth herein.

Honorable Jessica G.L. Clarke

October 4, 2024

Page 2

ECF No. 55. As Defendants explained, and the Court agreed, Plaintiff had already amended his complaint once as of right, and he must seek leave to do so again. ECF Nos. 56, 58.

Since then, Plaintiff's counsel has withdrawn, and the Court has granted Plaintiff's request to extend the deadline for his responses to the motions to dismiss and for his motion for leave to file a second amended complaint. ECF Nos. 65, 73. Under the Court's order, these filings were due by September 26, 2024, and Defendants responses are now due by October 10, 2024. ECF No. 73.

Plaintiff has since filed his oppositions to the motions to dismiss, ECF Nos. 76, 79, and he has filed his motion for leave to file a second amended complaint, ECF Nos. 77, 78. However, because Plaintiff has not been electronically serving his filings on Defendants, Defendants did not receive these filings until they were uploaded to the Court's electronic docket on September 27 and 30.

As noted, Defendants' responses are currently due by October 10, 2024. However, given the number of issues raised by Plaintiff's filings, additional time is necessary to ensure Defendants can provide the Court with a thorough explanation of the arguments and the reasons why the current amended complaint should be dismissed and why Plaintiff's proposed second amended complaint is futile.

Additionally, the press of other matters further complicates Defendants' ability to file their briefs by the current deadline. For instance, counsel for Defendants Iyer and Garrett has needed to devote substantial time to an oral argument in the D.C. Circuit on October 4, 2024. Additionally, he must devote substantial time to a TRO being filed on October 7, 2024, a Sixth Circuit brief due on October 15, 2024, preparation for another D.C. Circuit argument on November 4, 2024, and myriad other deadlines during the month of October. Additionally, he will be out of the country on previously planned travel during the week of October 14.

Counsel for Defendant Epstein must likewise balance the deadlines in this case with many other pressing deadlines and personal commitments. Mr. Chase was out of the country until September 29, has been and will be observing the Jewish holidays this week, has a pretrial conference on October 8 and a mediation on October 11. Ms. Azmi has to travel for an oral argument in the Western District of New York on October 9, 2024, and additionally has a Reply in Support of a Motion to Dismiss and an Opposition to a Motion to Strike due in the Southern District of New York on October 16, 2024, and a Motion to Dismiss in the Northern District of Illinois due on October 21, 2024.

In light of the foregoing and the many issues presented by Plaintiff's filings, Defendants respectfully request that the Court extend until October 31, 2024, their deadline to file replies in support of motions to dismiss and to file oppositions to Plaintiff's motion for leave to file a second amended complaint.

A copy of this letter has been sent to Plaintiff at the email address he has used to contact the undersigned.

Honorable Jessica G.L. Clarke
October 4, 2024
Page 2

Respectfully,

/s/ Brian J. Field

Brian J. Field
Cristina Martinez Squiers
SCHAERR | JAFFE LLP

*Counsel for Defendants
Ajay Iyer and Zachary Garrett*

Davis Wright Tremaine LLP

/s/ Jeremy Chase

Jeremy Chase

Counsel for Defendant Epstein